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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,779

04/21/2004

Robert P. Bourdelais

85924PAL

5242

7590

02/13/2007

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/828,779

Applicant(s)

BOURDELAIS ET AL.

Examiner

Patricia L. Nordmeyer

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Withdrawal of Finality

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 5, 6, 8 – 12 and 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (USPN 6,562,429) in view of Reiger et al. (USPN 6,653,061) and Bourdelais et al. (USPN 6,270,950).

Aoki et al. discloses a label stock (Column 1, lines 30 – 33) comprising in order at least one pragmatic sheet (Figures 1 – 3, #1), a pressure sensitive adhesive (Column 3, lines 29 – 31; Figure 1, #2) having a thickness between 5 and 100 micrometers, thereby overlapping the claimed range of 12 and 25 micrometers, (Column 7, lines 11 – 14) and a compliant carrier sheet (Figures 1 – 3, #3), wherein the compliant carrier sheet comprises at least one voided layer (Column 2, lines 41 – 42 – wherein the cells of the foam layer are equivalent to the voids)

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adjacent said adhesive (Figure 1, #2 and 3; Column 6, lines 40 – 43) as in claims 1, 4, 6 and 12. Regarding claims 2, 3 and 8 – 11, the compliant carrier sheet would inherent recover to 90% of the original thickness after compression of between 25 and 50% of the original thickness, recover 95% of the original thickness in less than 2 seconds after removal of load, having a compliant factor of between 20 and 100 micrometers measured at 1.2 MPa, have a modulus of at least 2500 MPa, be reflective to collimated light energy and have a surface resistivity of less than 1012 ohms per square since the compliant is an air voided polymer layer (Column 2, lines 41 – 42 – wherein the cells of the foam layer are equivalent to the voids). The pragmatic sheet comprises either cellulose paper or is substantially transparent (Column 3, lines 18 – 25) and would inherently have a bulk modulus of 2000 to 100,000 MPa. However, Aoki et al. fail to disclose a polyester polymer sheet having at least one voided layer, a release layer between said adhesive and said voided layer and the pragmatic sheet comprising a gelatin layer adjacent to said adhesive.

Reiger et al. teach a release layer between said adhesive (Column 18, lines 19 – 27) and said carrier sheet (Column 74, lines 35 – 40) and the pragmatic sheet comprising a gelatin layer adjacent to said adhesive (Column 7, lines 9 – 17) in a label stock (Column 1, lines 6 – 9) for the purpose of forming a label that is low in cost and has excellent optical properties (Column 10, line 66 to Column 11, line 1).

Bourdelaïs et al. teach a polyester polymer sheet having at least one voided layer has a base layer (Abstract, lines 1 – 2) in combination with a pragmatic sheet comprising a gelatin

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layer adjacent to said adhesive (Column 5, lines 3 – 6) for the purpose of having a photographic paper that is smoother, tear resistant and has a greater resistance to curl (Column 3, lines 25 – 28).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the voided polyester polymer sheet and gelatin layer in Aoki et al. in order to form a label that is low in cost and has excellent optical properties as taught by Reiger et al. and to have a photographic paper that is smoother, tear resistant and has a greater resistance to curl as taught by Bourdelais et al.

4. Claims 13, 18, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (USPN 6,562,429) in view of Reiger et al. (USPN 6,653,061) and Bourdelais et al. (USPN 6,270,950) as applied to claims 1 – 3, 5, 6, 8 – 12 and 14 – 17 above, and further in view of Tsugawa et al. (USPN 5,928,987).

Aoki et al., as modified with Reiger et al. and Bourdelais et al., discloses a label stock comprising in order at least one pragmatic sheet, a pressure sensitive adhesive having a thickness between 5 and 100 micrometers, thereby overlapping the claimed range of 12 and 25 micrometers, and a compliant carrier sheet, wherein the compliant carrier sheet comprises at least one voided layer adjacent said adhesive and a release layer. However, the modified Aoki et al. fail to disclose the pragmatic sheet comprising a thermal dye receiver layer or an ink jet receiver layer.

Tsugawa et al. teach a pragmatic sheet comprising a thermal dye receiver layer (Column 7, lines 4 – 6; Column 2, lines 42 – 47) or an ink jet receiver layer (Column 6, lines 63 – 66) in a label stock (Column 7, line 5) for the purpose of forming a recording material that is superior in sensitivity and image durability while having good resistance to heat and moisture (Column 2, lines 22 – 25).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the thermal dye receiver layer or ink jet receiver layer in the modified Aoki et al. in order to form a recording material that is superior in sensitivity and image durability while having good resistance to heat and moisture as taught by Tsugawa et al.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 3, 5, 6, 8 – 19 and 25 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument that the release layer in Reiger et al. is not between the adhesive and the voided layer as required by the present claimed invention, Reiger et al. teach a release layer between said adhesive (Column 18, lines 19 – 27) and said carrier sheet (Column 74, lines 35 – 40). Reiger et al. does not teach that the carrier sheet is a voided layer; however, Bourdelais et al. teach a polyester polymer sheet having at least one voided layer has a base layer (Abstract, lines 1 – 2) in combination with a pragmatic sheet comprising a gelatin

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layer adjacent to said adhesive (Column 5, lines 3 – 6). It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the voided polyester polymer sheet and gelatin layer in Aoki et al. in order to form a label that is low in cost and has excellent optical properties as taught by Reiger et al. and to have a photographic paper that is smoother, tear resistant and has a greater resistance to curl as taught by Bourdelais et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln